

HB 3024 STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

Carrier: Rep. Zika

Action Date: 04/09/19
Action: Do pass and rescind subsequent referral to Revenue.
Vote: 6-0-1-0
Yeas: 6 - Clem, Helm, McLain, Post, Smith DB, Williams
Exc: 1 - Boshart Davis
Fiscal: No fiscal impact
Revenue: Has minimal revenue impact
Prepared By: Laura Kentnesse, LPRO Analyst
Meeting Dates: 3/19, 4/2, 4/9

WHAT THE MEASURE DOES:

Prohibits a county from considering the property tax classification of dwellings that were previously removed, destroyed, demolished, or converted to nonresidential uses when reviewing an application for a replacement dwelling on lands zoned for exclusive farm use.

ISSUES DISCUSSED:

- Past challenges obtaining a replacement dwelling permit if replacement did not occur quickly following demolition
- House Bill 2746 (2013) interpretation; confusion regarding five-year time limitation on replacement dwellings
- History of, and current status of, related court cases
- Working the measure to rescind the subsequent referral to the House Committee on Revenue

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Current law provides for alteration, restoration, or replacement of a lawfully established dwelling as a permitted use on lands zoned for exclusive farm use, and requires the lawfully established dwelling to have intact exterior walls, an intact roof structure, indoor plumbing connected to a sanitary waste disposal system, interior electric wiring, and a heating system. If the dwelling is being replaced, it must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. The dwelling must have been assessed as such for purposes of ad valorem taxation for the lesser of either the previous five property tax years or from the time the dwelling was erected and became subject to assessment, unless the dwelling had no value due to destruction or demolition.

House Bill 3024 would prohibit a county from considering the property tax classification of dwellings that were previously removed, destroyed, demolished, or converted to nonresidential uses when reviewing an application for a replacement dwelling on lands zoned for exclusive farm use.